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| APPLICATION NO.                                                 | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 10/705,463                                                      | 11/12/2003  | Kazuhiro Maeda       | 117742              | 5741             |
| 25944                                                           | 7590        | 03/16/2006           | EXAMINER            |                  |
| OLIFF & BERRIDGE, PLC<br>P.O. BOX 19928<br>ALEXANDRIA, VA 22320 |             |                      | SWENSON, BRIAN L    |                  |
|                                                                 |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                 |             |                      | 3618                |                  |

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/705,463 | Applicant(s)<br>MAEDA ET AL. |  |
|                              | Examiner<br>Brian Swenson     | Art Unit<br>3618             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                             |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                 | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/5/04</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,186,263 issued to Takano in view of U.S. Patent No. 3,856,123 issued to Kinsey.

Takano teaches in Figures 1-9 and respective portions of the specification teaches of a transmission for an all-terrain vehicle (Figure 1) including a non-stage transmission disposed in a power transmission path from an engine to drive wheels (see belt transmission shown in Figure 7); a forward and backward movement switching device (61) capable of switching to a forward movement position, a neutral position, or a backward movement position (see linkage shown in Figure 3, which is connected to switching device with rod **R**), said forward and backward movement switching device being disposed in said power transmission path at a position near said engine (Figure 1); and a shift operation device (15) of rotary type (rotates about axis **C** shown in Figure 3) for switching forward and backward movement (Figure 3). The shift operation device and said forward and backward movement switching device being interlocked with each other (Figure 3).

Takano discloses the claimed invention except for positioning the shift operation device on the handle bar for the vehicle.

Kinsey teaches in Figures 1-8 and respective portions of the specification of a shift operation device (10) positioned on a handle bar at a position adjacent to a handle grip (Figure 1). Kinsey teaches of the shift operation device (10) including a rotary member (11) for a shift operation and a locking mechanism (see wedge and v-shaped groove 33 and 34 actuated by hand lever 35) for locking said rotary member so as not to move toward at least a position for backward movement from a position for neutral, said locking mechanism being configured to be handled by a hand (see Figures 1 and 6-7), which is in a state of gripping said handle grip, to make said locking mechanism unlocked.

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the shift operation device, as taught by Kinsey, into the invention taught by Takano. One would be motivated to incorporate the shift operation device located on the handle bar of the vehicle taught by Takano to allow the user to shift from a drive to neutral state without removing his hand from the handle bar, thereby increasing the safety of the vehicle.

In regards to claim 2, the rotary member, in the invention taught by Takano and as modified by Kinsey, is configured to be rotatable about an axis of said handle bar.

In regards to claim 3, the shift operation device, in the invention taught by Takano and as modified by Kinsey, includes a holder member (see element 30; Figures

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6 and 7 taught by Kinsey) fixed on said handle bar, said rotary member being rotatably mounted on said holder member.

***Allowable Subject Matter***

Claims 4-6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the indication of allowable subject matter in this case is the inclusion of a locking pawl configured to move radially relative to a handle bar and configured to engage a plurality of notches corresponding to a forward, backward and neutral position, in combination with the other elements recited not found in the prior art of record.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,967,252 issued to Saban et al. teaches of a push button actuation system for an ATV transmission, see Figure 14 for example.

U.S. Patent No. 6,182,784 issued to Pestotnik teaches of an all-terrain vehicle with a non-stage transmission.

U.S. Patent No. 6,920,805 issued to Samoto et al. teaches of a throttle opening apparatus.

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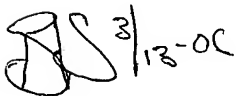
U.S. Patent No. 3,317,012 issued to Heidner et al. teaches of an operating lever for an outboard motor that includes a setting for a forward, reverse and neutral position, see Figure 2.

U.S. Patent No. 4,986,399 issued to Gokee teaches of an interlocking and shifting system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Swenson whose telephone number is (571) 272-6699. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
bls

Brian Swenson  
Examiner  
Art Unit 3618



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600